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11 Attorneys for the United States of America

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 OAKLAND DIVISION

15 UNITED STATES OF AMERICA, } No. 4:06-70440-WDB

16 Plaintiff,

17 v.

18 GILBERT POLINA,

19 Defendant.

20 STIPULATION AND ORDER TO  
21 RESCHEDULE ARRAIGNMENT  
22 OR PRELIMINARY HEARING

23 The United States and the defendant, through their undersigned counsel, hereby  
24 stipulate and agree to reschedule the arraignment or preliminary hearing in this case from  
25 September 7, 2006 to October 9, 2006. The parties have agreed upon a resolution of  
this case that will result in the misdemeanor tax charge. However, this tax charge  
requires the approval of the Tax Division in the Department of Justice, and the  
government needs additional time to complete the necessary paperwork and obtain  
Department of Justice approval.

26 The defendant agrees to waive time for arraignment or preliminary hearing until  
27 the new hearing date of October 9, 2006, and both parties agree to exclude time in the  
28 interests of justice under the Speedy Trial Act for the period between September 7, 2006

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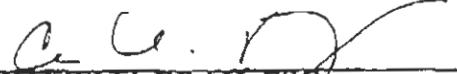
1 and October 19, 2006, pursuant to the provisions of 18 U.S.C. § 3161(b)(8)(A) and  
2 (B)(iv).

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4 Respectfully submitted,

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6 Dated: 9/6/06

  
7 CAMELLIA BRAY, ESO  
Attorney for Gilbert Polina

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10 KEVIN V. RYAN  
United States Attorney

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Dated: 9/6/06

  
13 GEORGE L. BEVAN JR.  
United States Attorney

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16 ORDER RESCHEDULING; ARRAIGNMENT or PRELIMINARY HEARING

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18 Upon the foregoing stipulation of the parties, and good cause therefor, IT IS  
HEREBY ORDERED that the arraignment or preliminary hearing in this case is  
rescheduled from September 7, 2006 to October 19, 2006, at 10:00 a.m., before  
Magistrate Judge Wayne D. Brazil in Oakland.

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20 The Court finds that time will be excluded for that period, in the interests of  
justice, for purposes of the Speedy Trial Act.

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22 Dated: September 6, 2006

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24 JOINT APPLICATION TO  
25 RESCHEDULE SENTENCING DATE

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